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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 ANDREJA STEVANOVIC, )  
13 Plaintiff, ) No. C 07-5836 BZ  
14 v. ) ANSWER  
15 ROSEMARY MELVILLE, District Director, )  
U.S. Citizenship and Immigration Services, )  
16 San Francisco District Office; )  
EMILIO T. GONZALEZ, Director, )  
17 U.S. Citizenship and Immigration Services; )  
MICHAEL CHERTOFF, Secretary of the )  
U.S. Department of Homeland Security; )  
ROBERT MUELLER, Director, )  
Federal Bureau of Investigations, )  
Defendants. )

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The Defendants hereby submit their answer to Plaintiff's Complaint for a Writ in Nature of  
Mandamus.

The initial paragraph consists of plaintiff's characterization of this action, to which no  
responsive pleading is required; however, to the extent a responsive pleading is necessary,  
defendants deny the allegation that they have improperly withheld action on the application for  
adjustment of status to plaintiff's extreme detriment.

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## PARTIES

1. Defendants admit the allegations in Paragraph One.
2. Defendants admit the allegations in Paragraph Two.
3. Defendants admit the allegations in Paragraph Three.
4. Defendants admit the allegations in Paragraph Four.
5. Defendants admit the allegations in Paragraph Five.

## JURISDICTION

8       6. Paragraph Six consists of Plaintiff's allegations regarding jurisdiction, to which no  
9 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,  
10 Defendants deny that this Court has jurisdiction under any of the provisions cited in Paragraph  
11 Six.

## VENUE

13 7. Paragraph Seven consists of Plaintiff's allegations regarding jurisdiction, to which no  
14 responsive pleading is required.

## **EXHAUSTION OF REMEDIES**

8. Defendants deny the allegations in Paragraph Eight.

## CAUSE OF ACTION

9. Defendants admit the allegations in Paragraph Nine.

19 10. Defendants deny the allegations in Paragraph Ten because Plaintiff's application was filed  
20 on July 10, 2006.

11. Defendants admit the allegations in Paragraph Eleven.

12. Defendants admit the allegations in Paragraph Twelve.

13. Defendants admit the allegations in Paragraph Thirteen.

24 14. Defendants admit the allegations in Paragraph Fourteen; however, Defendants deny  
25 Plaintiff's "eligibility."

15. Defendants deny the allegations in Paragraph Fifteen.

27 16. Defendants are without sufficient information or knowledge to either admit or deny the  
28 allegations in Paragraph Sixteen.

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1 17. Defendants deny the allegations in Paragraph Seventeen.

2 **RELIEF REQUESTED**

3 18. Paragraph Eighteen consists of Plaintiff's prayer for relief, to which no admission or  
4 denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny  
5 this paragraph.

6 **FIRST AFFIRMATIVE DEFENSE**

7 Plaintiff's complaint fails to state a claim upon which relief may be granted.

8 **SECOND AFFIRMATIVE DEFENSE**

9 The court should dismiss the Complaint for lack for subject matter jurisdiction.

10 WHEREFORE, Defendants pray for relief as follows:

11 That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's  
12 Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief  
13 as it deems just and proper under the circumstances.

14

15 Dated: January 22, 2008

Respectfully submitted,

16 JOSEPH P. RUSSONIELLO  
17 United States Attorney

18 /s/  
19 EDWARD A. OLSEN  
20 Assistant United States Attorney  
21 Attorneys for Defendants

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